

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

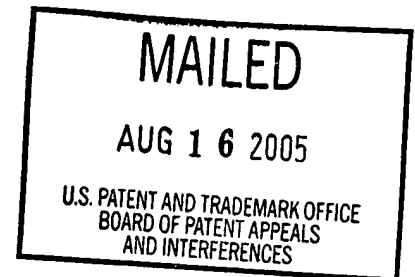
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***Ex parte*** NANCY W.Y. HO and  
ZHENG-DAO CHEN

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Application 09/180,340

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on June 21, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On November 22, 2004, appellants filed a Reply Brief. There is no indication on the record that this paper was considered by the examiner.

Second, there is no indication on the record that the Notice of Appeal fee has been applied.

Finally, the "Prior Art of Record" section of the Examiner's Answer mailed September 21, 2004 incorrectly lists Ho, Lopes, and Hailborn. As stated in the *Manual of Patent Examining Procedure* § 1208 Rev. 2 (May 2004) (A) REQUIREMENTS FOR EXAMINER'S ANSWER:

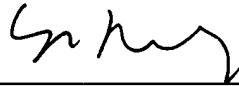
(9) *References of Record*: A **listing** of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages. (Emphasis added.)

Accordingly, it is

ORDERED that the instant application be electronically remanded to the examiner to:

- (1) consider the Reply Brief;
- (2) written notification to appellants of said consideration;
- (3) have Notice of Appeal fee applied;
- (4) vacate the Examiner's Answer mailed September 21, 2004 and issue a revised Examiner's Answer correcting the prior art of record in the "Reference of Record" section; and
- (5) for such action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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